

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ

**DEFENDANT, HATEM NAJI FARIZ'S PROPOSED VOIR DIRE AND OBJECTIONS
TO THE GOVERNMENT'S REQUESTED VOIR DIRE**

The Defendant, Hatem Naji Fariz, by and through his undersigned counsel, respectfully submits the following proposed Voir Dire questions and asserts his objection to the Requested Voir Dire Questions submitted by the government.

PROPOSED VOIR DIRE QUESTIONS

1. I will instruct you at the conclusion of the case that the government has the burden of proving every element (essential fact) of the crimes charged in this case beyond a reasonable doubt. This burden rests on the government and the government alone. Mr. Fariz is not required to prove that he is innocent. Is there anyone here who feels that Mr. Fariz should be required to prove his innocence?
2. Does anyone feel that Mr. Fariz is probably guilty just based on the fact that he has been charged with these crimes?
3. Do you believe that a person can be falsely accused of a crime?
4. Have any of you ever been the victim, or know somebody who has been the victim, of a false allegation?
5. This is a federal case that is being prosecuted by the United States Attorney's Office. Do

any of you attach any special significance to the fact that this is charged as a federal, rather than a state, crime? Would any of you tend to give more weight to the government's case just for that reason?

OBJECTIONS TO THE GOVERNMENT'S REQUESTED VOIR DIRE QUESTIONS

Requested Voir Dire Question No. 4

Mr. Fariz objects to the second paragraph of the government's requested voir dire question no. 4. The government's statement concerning the qualification (or lack thereof) of a juror to serve as a juror in this matter is clearly constructed in an attempt to diminish any opinions previously developed by the prospective jurors. This statement, while facially accurate, is thoroughly inappropriate in the instant matter. The defense has submitted expert affidavits describing the nefarious dynamics which exist in a community which has been deluged with negative publicity concerning co-defendant, Dr. Al-Arian, negative media coverage of Dr. Al-Arian and, in many instances, the distorted presentation of the role of all muslims and/or Arabs in various terrorist attacks, including but not limited to the World Trade Center bombings of 9-11. Additionally, to nakedly assert that these opinions can be set aside then send the jurors away without appropriate questioning serves to worsen the problem. As the government explains in a footnote, voir dire regarding pretrial publicity is more appropriately conducted individually where the court may attempt to assess the credibility of the jurors' responses. (Doc. 1060 n. 1). As such, Mr. Fariz would object.

Requested Voir Dire Question No. 8

Mr. Fariz would propose the insertion of the following sentence between the first and second sentence of the second paragraph: "However, you as a juror are not to infer from its admission that the court has ruled on the reliability of the content of the conversations or

facsimiles.”

Requested Voir Dire Question No. 11

Mr. Fariz objects to the government’s proposed voir dire question no. 11 on the same grounds asserted to question 4 in that it diminishes those opinions established in the prospective jurors minds then fails to pursue appropriate questioning immediately thereafter. Furthermore, the government’s characterization of the conflict as one between Israel and *some Palestinian* people is both inflammatory and inaccurate. Mr. Fariz objects.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF to Walter Furr, Assistant United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by CM/ECF:

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